

## **REMARKS/ARGUMENTS**

The Office Action mailed January 16, 2003 has been reviewed and carefully considered. Claims 18-37 are pending in this application, with claims 18 and 37 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed January 16, 2003, the claims were objected to because the Examiner stated that the claims are not numbered properly. The Examiner has renumbered the claims 18-37 as 3-23. It is respectfully submitted that the claims 18-37 were correctly numbered. The international application contained claims 1-17. Furthermore, the translation of the international application filed on February 12, 2001 included a translation of the original claims 1-17. A preliminary amendment filed with the present application canceled claims 1-17 and added new claims 18-37.

It is respectfully noted that the international preliminary examination report indicates that some replacement pages were filed in the international phase. One of these replacement pages included claims 1-3. These replacement pages were filed with the original application and arranged in the back of the original international application in our submission. However, the international application included claims 1-17. Therefore, it is respectfully submitted that the claims filed in the preliminary amendment should be numbered as 18-37.

Claims 18-37 (currently numbered 4-23) stand rejected under 35 U.S.C. §103 as unpatentable over GB 2 295 476 (Farhangi) in view of U.S. Patent No. 5,767,505 (Mertens).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a roadside control device for checking the correct operation of a toll apparatus which is

installed in a motor vehicle. The toll apparatus is installed in the motor vehicle and performs a satellite-supported electronic toll deduction. The control device of the present invention does not actually deduct the tolls itself. Rather, it ensures that the toll apparatus is working properly and prevents deception and/or other misuse of the toll apparatus (see page 2, lines 10-15).

The control device of the present invention includes a communication device for the wireless exchange of information between the control device and a toll apparatus in a vehicle passing the control device. The control device also includes a classification device for allocating the passing vehicle to a vehicle class and an evaluating device for performing a plausibility check of data supplied by the communication device and the classification device, the data being from the toll apparatus of the passing vehicle or about the passing vehicle. If the communication device is unsuccessful in exchanging information with the toll apparatus of the passing vehicle or if the plausibility check yields a negative result, a recording device of the control device records the license plate of the passing vehicle.

Farhangi discloses a GPS electronic road pricing system including an on-vehicle road pricing system which can be interrogated by an interrogation system. The road pricing system includes a receiver for receiving GPS position data, a controller for producing billing information based on the position data, and means for correcting the positional data. Starting at page 9, fourth paragraph, Farhangi discloses that the on-vehicle equipment includes a self-test mechanism which keeps a record of error codes based on incidents such as if the unit is tampered with, if the value of the smart card is below a permitted value, or if the antenna is covered more than a pre-specified period of time (see page 9, last paragraph, to page 10, first paragraph). Furthermore, Farhangi discloses an interrogation system starting on page 10, third paragraph, which includes integrated cameras and interrogation enclosures (see Fig. 4). The interrogation system first sends an

interrogation pattern signal to the vehicle, to which the vehicle is required to respond in an appropriate time period. If a response is received, it is analyzed for any error codes. If there is no response or if there are error codes in the response, the camera captures the vehicle license.

Farhangi fails to teach or suggest "classification means for allocating the passing vehicle to a predetermined vehicle class" or "evaluating means for carrying out a plausibility check of data supplied by the communication means and the classification means", as recited in independent claim 18. The interrogation system of Farhangi does not classify the vehicle. Furthermore, a plausibility check is not performed on the data received by the interrogation system.

Mertens fails to teach or suggest what Farhangi lacks. Mertens discloses a system for determining toll charges for traffic routes. According to Mertens, each vehicle includes an in-vehicle device (see Fig. 2) which includes a GPS receiver for determining a location of the vehicle. When the vehicle reaches a virtual collecting station 2, 3, a fee is deducted (see col. 5, lines 21-27). The fee to be deducted is determined in the vehicle device (col. 5, lines 64-67). Monitors 4 are also placed along the route. Before reaching a monitor 4, a vehicle is required to submit control data to a central point 11 via a mobile radio network (col. 5, lines 28-32). When the vehicle passes the monitoring point 4, the license plate is recorded and, if desired, the shape of the vehicle is also recorded (col. 5, lines 32-36). If the recorded image corresponds to control data in the central point, a transmission of the recorded image to the central point 11 is cancelled. However, if a vehicle recorded by the monitor has no correlating control data, a report by the central point 11 is made via an output device 17 so that unauthorized use can be followed (col. 5, lines 36-41).

Mertens fails to teach or suggest classification means for allocating the passing vehicle to a predetermined vehicle class. Although Mertens states that a shape of a vehicle may be recorded is possible, there is no teaching or suggestion that classification of the vehicle is made

from the shape of the vehicle. Furthermore, even though Mertens discloses that the type of vehicle is taken into account when determining the toll, this determination is made in the vehicle device and is not dependent on an external classification means (col. 5, line 64 to col. 6, line 6). Accordingly, Mertens fails to teach or suggest the classification means recited in independent claim 18.

The monitor of Mertens ensures that all vehicles on the road have input control data. Therefore, instead of carrying out a plausibility check of the control data, Mertens ensures that each record of a monitored vehicle is correlated with control data. Accordingly, Mertens fails to teach or suggest the evaluating means for carrying out a plausibility check of data supplied by the communication means and the classification means, as recited in claim 18.

In view of the above amendments and remarks, it is respectfully submitted that independent claim 18 is allowable over Farhangi in view of Mertens.

Independent claim 37 is a method claim and includes the steps of "allocating the passing vehicle to a predetermined vehicle class via classification means" and "carrying out a plausibility check in evaluating means of data supplied by the communication means and classification means from and about the passing vehicle." These limitations are similar to the classification means and evaluating means described above. Accordingly, it is respectfully submitted that independent claim 37 is also allowable over Farhangi in view of Mertens.

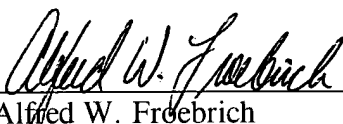
Dependent claims 19-36, being dependent on independent claim 18, are allowable for at least the same reasons as independent claim 18.

Claim 32 recites that the control device includes "a receiver for the satellite navigation system used by the toll apparatus, the evaluating means being operative to compare data determined by itself with data of the satellite navigation system interrogated from the toll apparatus, which data can be conducted to the evaluating means via the communication means".

It is respectfully submitted that neither Farhangi nor Merten disclose a control device which has a receiver for satellite navigation system for comparing to the data of the satellite navigation system interrogated from the vehicle. Accordingly, it is respectfully submitted that dependent claim 32 is allowable for at least these additional reasons.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Respectfully submitted,  
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